



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

November 4, 2019

Robert D. Gifford, II  
Attorney at Law  
P.O. Box 2682  
Oklahoma City, OK 73101

Dear Mr. Gifford:

In response to your letter of October 22, 2019, allow me to address the Multi-County Grand Jury's (MCGJ) role in law enforcement. One of the tools provided by the MCGJ is the use of subpoenas duces tecum. The subpoena is used to gather information which is then analyzed to determine whether or not a crime may have been committed. It is the practice of district attorneys statewide to use this essential tool. As important as it is to law enforcement to gather evidence supporting the prosecution of crimes, it is also vital that law enforcement have sufficient information to determine that no criminal wrong-doing occurred.

Prosecutors routinely avail themselves of MCGJ subpoenas. A request for a subpoena is made, and MCGJ staff prepares a subpoena. **The subpoena is then subject to judicial review prior to issuance.** If, **after evaluation**, the judge signs the subpoena, it is issued by the Court Clerk and served on the proper party. For more than 30 years, district attorneys in Oklahoma have used this process to gather evidence.

It is our practice to assist district attorneys throughout the State with investigations of *possible* crimes. As a former prosecutor, I am certain you know that some investigations reveal evidence of criminal acts and other investigations reveal that no criminal behavior occurred. It is not at all unusual for a prosecutor to determine criminal charges should not be pursued after evaluating material produced via a MCGJ subpoena. It appears that in this matter, that is just what happened — **the District Attorney made the decision not to seek an indictment or file an information after assessing material produced per a MCGJ subpoena.**

As to your inquiry regarding an assistant district attorney's alleged tax issues, this office forwarded your concerns to the Oklahoma Tax Commission in 2016.

And, finally, communication with Alan Grubb, District Attorney for District 23, indicates no request for wiretap, or other similar investigation, was made to his office. He has confirmed that he never had any conversation with David Prater about Kris Steele or the allegations in your November 1, 2019, letter.

This letter serves as a comprehensive response to the requests you have made of our office in recent weeks, including your request of October 25, 2019, for cease and desist action. In the

future and consistent with standard law enforcement practice, please contact local or state law enforcement entities for review and/or investigation of such issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Roberts". The signature is fluid and cursive, with the first name "Mary" and last name "Roberts" clearly distinguishable.

Mary Ann Roberts  
Chief Deputy  
Oklahoma Attorney General's Office